

PATENT COOPERATION TREATY

PCT

REC'D 20 DEC 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P.Q. 30,689	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/03634	International filing date (day/month/year) 22/09/2000	Priority date (day/month/year) 24/09/1999
International Patent Classification (IPC) or national classification and IPC G11B5/852		
Applicant THORN SECURE SCIENCE LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 17/04/2001	Date of completion of this report 18.12.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Moje, A Telephone No. +49 89 2399 2701 

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International application No. PCT/GB00/03634

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-8 as originally filed

Claims, No.:

1-9 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-5.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-5 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☒ the claims, or said claims Nos. 1-5 are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims 6-9

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	No:	Claims	
Inventive step (IS)	Yes:	Claims	6-9
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	6-9
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Reference is made to the following document:

D1: US -A- 4 104 513

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
(Article 6 PCT)

If the steps of the method of claim 1 are carried out in the order defined by the steps a) to c), the method of claim 1 is in contradiction to the description (cf. page 3, et seq.), which requires step b) of claim 1 to be carried out first.

Moreover, there is no support in the description for providing both a first coating having a permanently structured magnetic characteristic (step a) and a second coating with magnetic anisotropic particles (step b).

Claim 2 replaces the layer of material having a permanently structured magnetic characteristic by a layer of metal having a modulated thickness. Hence, having regard to independent claim 2, the invention appears to be different from the invention described by claim 1. The essential features of the invention described in claims 1 and 2 are therefore not clear.

Claims 3, 4 and 5 are unclear by virtue of their dependence of claims 1 and 2.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

D1 discloses a method according to the preamble of claim 6. The first magnetic field (cf. Figure 2c of D1; produced by magnet (31)) is stationary. It is not desired to vary the strength of the "preorientation" of the tape produced by magnet (31). Hence, claim 6 meets the requirements of the PCT. According to the characterizing feature of claim 6 an additional modulation is produced.

Claims 7-9 meet the requirements of the PCT by virtue of their dependence.

Re Item VII

Certain defects in the international application

Reference signs in parentheses are missing in the claims, Rule 6.2(b) PCT. This apply to both the preamble and characterising portion.

The document D1 has not been identified in the description nor has the relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled.

The description is not in conformity with the independent claim. Thus, the requirements of Rule 5.1 (a)(ii)(iii) PCT are not fulfilled.

Re Item VIII

Certain observations on the international application

Clarity:

It is essential for the definition of the invention that three distinct states (cf. Figure 4, three regions (20,21), (22,23) and (24,25), corresponding description page 4, l. 25 to page 5, l. 2) are produced.

Since independent claim 6 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

The embodiments of the invention described on page 3, l. 29 to page 4, l. 20 in Figures 7 and 8 do not fall within the scope of the independent claim 6. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 6 PCT).